IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 33386 of 2007(Y)

PETITIONER:

K.M.SULAIMAN,JUNIOR HEALTH INSPECTOR
GRADE II,PRIMARY HEALTH CENTRE,CHULLIYODE,
WAYANAD DISTRICT.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT,HEALTH &
FAMILY WELFARE DEPARTMENT,THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

3. THE DISTRICT MEDICAL OFFICER,WAYANAD,
WAYANAD DISTRICT.

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).33386/2007

Dated this the 16th day of November, 2007

JUDGMENT

The petitioner was originally advised as Junior Health Inspector Grade-I in the Health Services Department as per Ext.P1 dated 9.3.1995. As per Ext.P1 order, his probation was declared on 10.4.1997. By Ext.P3 order, he was granted leave without allowance for employment abroad with effect from 6.11.1997. Leave was granted for a further period of five years as per the order dated 12.11.2002 passed by the Government. Apparently petitioner did not avail the extended period of leave in its entirety. Petitioner sought for cancellation of the unavailed portion of leave and the same was permitted under Ext.P4 order dated 11.8.2003. Petitioner sought for deletion of the condition imposed as per Ext.P5. According to the petitioner, this was recommended by Ext.P5(a), as per order No.A4-5647/03/DMOH(W) dated 6.8.2003, assuming that deletion of the conditions under which leave without allowance for employment abroad was granted is permissible.

2. I am not expressing any opinion on the merits of the contentions. The same can be done only by the Government which had granted the original leave and which had also granted extension.

3. While so, the petitioner again applied for leave without allowance for taking up employment abroad which was granted for a period of four years and six months as per Ext.P8. Again, the petitioner did not avail the entire complement of leave but sought for cancellation of the unavailed portion of leave, which was permitted under Ext.P7. He re-joined duty on 1.1.2007. It seems that in the meanwhile as per Ext.P8, Additional Director of Health Services passed an order provisionally promoting the petitioner to the post of Health Supervisor. Petitioner contends that notwithstanding Ext.P8, he has not been given his due promotion and for this purpose he has submitted Ext.P9 before the Director of Health Services. A perusal of Ext.P9 shows that

apparently petitioner has a grievance regarding the provisional promotion of persons who were juniors to him in the post of Junior Health Inspector Grade-I and Health Inspector Grade-II. Petitioner, therefore, requests that he should be promoted as Health Supervisor taking note of his seniority in the aforementioned posts.

In the circumstances, this writ petition is disposed of directing the second respondent to look into Ext.P9 and take appropriate decision thereon within three months from the date of receipt of a copy of this judgment.

V.GIRI
Judge

mrcs